

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1350-GMS
	)	
DR. SYLVIA FOSTER, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT DAVID MOFFETT'S  
RESPONSE TO PLAINTIFF'S MOTION FOR DEPOSITION ANSWERS**

1. David Moffett what is your specific account of what occurred at the D.P.C. Mitchell Building dinning hall on 6/14/04 at or about 8:00 pm, regarding the plaintiff Jimmie Lewis.

RESPONSE: I heard a code called over my walkie-talkie for all staff to assist in the Dining Hall, at or about 8:45 p.m. I came to the Dining Hall from the south side of the Mitchell Building where I had been conducting rounds. When I entered the Dining Hall, I met Nurse Helen Hanlon who explained to me and other staff that arrived that Lewis had previously been placed on vending machine restriction. Lewis had obtained a bag of M&M's and had refused to turn over the candy as directed by Nurse Hanlon. Approximately fifteen other patients were also in the Dining Hall at this time (8:30 p.m. to 9:00 p.m. was a snack period for patients housed on the north side of the Mitchell Building). Upon my arrival, Lewis was seated a table. Another staff member talked with Lewis to attempt to redirect him and convince him to comply with the rules. Lewis refused to cooperate, and instead rose from the table. Lewis continued to eat the candy, putting on a display of arrogance and defiance in front of the other patients. Robert Gray, William Evans, Michael Erickson, and I all then approached Lewis. I grabbed Lewis around his legs, while other staff helped to secure Lewis' other limbs. At no time did I or another staff member punch or kick Lewis. Once we had secured Lewis on the floor, Lewis agreed to "contract for safety." Lewis did not put up a violent struggle on the floor, but instead became dead weight.

2. David Moffett who were the D.P.C. personnel that escorted the plaintiff to the seclusion room on 6/14/04 at or about 8:00 pm

RESPONSE: Michael Erickson, William Evans, and I escorted Lewis from the Dining Hall to the seclusion room on June 14, 2004 at or about 9:00 p.m. Nurse Helen Hanlon followed us during the escort.

3. David Moffett what is the description of you job duties.

RESPONSE: I am a Nursing Assistant at the Delaware Psychiatric Center. I attend classes concerning facility policies and procedures, nursing, therapeutic support methods, and safety and security. I receive hands-on training by observing and assisting professional and higher level non-professional nursing and therapeutic staff. I monitor and record temperature, pulse, respiration, blood pressure, nutritional intake, and alert professional staff to significant irregularities. I implement prescribed treatment plans involving reality orientation, sensory stimulation, range of motion exercise, and the application of splints and braces. I provide oral and written descriptions of patients' physical and behavioral changes. I observe patients' activities, providing oral and written report of unusual and hazardous behavior. I observe and supervise patients within the facility and its surroundings to ensure appropriate location and security. I escort patients traveling to social and recreational activities and medical appointments off campus. I participate on the interdisciplinary care team providing information about patients' overall physical condition, abilities, and behavioral characteristics. I apply appropriate interventions to prevent or deescalate inappropriate behaviors. I assist patients with personal hygiene. I maintain patient surroundings ensuring appropriate infection control, sanitary conditions, care, and storage of linens and clothing. I perform additional security related work.

4. David Moffett have you ever had to utilize force on a patient at the D.P.C.

RESPONSE: Yes.

5. David Moffett while Dr. Foster was employed at the D.P.C. dating 5/21/04 to 6/25/04 did she have the authority to order you to utilize force on a patient.

RESPONSE: Yes.

6. David Moffett have you ever filed grievance(s) regarding the description of your job duties at the D.P.C.

RESPONSE: No.

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David Moffett

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ \_\_\_\_\_  
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Dated: April 9, 2007